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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/577,722	05/23/2000	Jason Y. Blakely	RSW9-1999-0104	3618
46320	7590	03/07/2005	EXAMINER	
CHRISTOPHER & WEISBERG, PA 200 E. LAS OLAS BLVD SUITE 2040 FT LAUDERDALE, FL 33301			HUYNH, CONG LAC T	
			ART UNIT	PAPER NUMBER
			2178	

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/577,722

Applicant(s)

BLAKELY ET AL.

Examiner

Cong-Lac Huynh

Art Unit

2178

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 January 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) a set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1-12.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s) _____.
13. ☐ Other: _____.


STEPHEN HONG

CONCORD PATENT EXAMINER

Applicants arguments are not persuasive.

Regarding 102 rejections, Applicants argue that Lakritz does not disclose:

- using an HTML 'lang' attribute to set at least one target language for a portion of the text which is different from the first language
 - automatically grammatically translating the portion having the first language into said at least one target language with said 'lang' attribute as a key for machine translation in order to produce a mixed translation of the text
- since the portion cited by the Examiner (col 5, lines 41-49) does not show a mixed translation of any content in the document and certainly no language translation is permitted which differs from "the current language" (Remarks, page 6). Examiner respectfully disagrees.

Lakritz discloses the two limitations above. See the office action:

- using HTML 'lang' attribute to set at least one target language for a portion of the text which is different from the first language (col 5, lines 41-49: the fact that special tags are provided to insert language or country-specific content into an HTML document shows that the language inserted into a portion of the HTML document is different from the language used for the whole web document; col 6, lines 3-34: "This allows ..., such that only a portion of the document on the site need be translated ... this also gives the customer the option of translating only a subset of the total content on the site ...")
- automatically programmatically translating the portion having the first language into said at least one target language with said 'lang' attribute as a key for machine translation in order to produce a mixed translation of the text (col 6, lines 3-34: "This allows ..., such that only a portion of the document on the site need be translated ... this also gives the customer the option of translating only a subset of the total content on the site ..."; the fact that only a portion of the documents on the site need to be translated shows that the translated portion has a target language which is different from the language used for the entire web documents, and because the web documents include two languages together, the web documents are produced as a mixed translation of the text; figure 5, #505: the Language-specific elements implies that the specific elements in a document is translated into a target language which is different from the language of the entire document)

Clearly, the fact that "only a portion of the document on the site need to be translated" or "translating only a subset of the total content on the site" show a mixed translation of the document since there are two languages included in the document, one language for the translated portion, and one language for the remaining content of the document. In other words, there are different languages included within a single document.

Regarding the 103 rejections, Applicants argue that Lakritz does not disclose the limitations of claims 2, 5, 8, 10-12 since Lakritz does not disclose the limitations of claim 1 on which claims 2, 5, 8, 10-12 are dependent (Remarks, page 7).

Examiner respectfully disagrees.

As responded above, Lakritz discloses the limitations of claim 1. Lakritz does suggests the limitations of claim 10. Therefore, the obviousness of Lakritz on claims 10-12 as well as the combination of Lakritz and Grefenstette for the obviousness of claims 2, 5, 8 are proper.